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England - Parliament. [Bills. - II George II.]

A Read 22 Jan 1753

Enacted 28 Geo II. Private Act, c 24

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F O R

Dividing and Inclosing the Common Fields,
Common Pastures, Common Meadows, Com-
mon Grounds, and Waste-Ground, in the
Manor and Parish of Churchover, in the
County of Warwick.



Whereas the common open Fields and Waste-grounds lying
and being in the Parish of Churchover, in the County of
Warwick, are computed to consist of Thirty-two Yard-
lands, or thereabouts:

And whereas Sir William Dixwell, Baronet (now un-
der a Commission of Lunacy), is Lord of the said Manor
of Churchover, and is also seised of the perpetual Right of Presentation to
the Rectory of the Parish-Church of Churchover aforesaid, and the Reve-
rend John Parker, Clerk, is Rector of the Parish-Church of Church-
over aforesaid, and, in Right of his Rectory, is seised of certain Glebe-
Lands lying in the said common Fields, as also of all the Tythes arising and
renewing within the said Parish:

And whereas the Land and Grounds in the said open and common Fields,
and Parish of Churchover aforesaid, do belong to, and are the Property of,
the said Sir William Dixwell, William Black, Merchant, William Sutton,
William Norman, and William Lole, and the Reverend John Fanshaw, Doctor
in

in Divinity, *Isaac Crew, Edward Bradgate, Thomas Bilio, and John Harpur*, Clerks, as Trustees for a Free-school at *Lutterworth*, in the County of *Leicester*, and certain Almsmen at *Shawell*, in the said County of *Leicester*, for an Estate lying in the said Parish of *Churchover*, and to divers other Persons:

And whereas the said Lands and Grounds of the said Freeholders, Landowners, and Proprietors, in the said open and common Fields of *Churchover* aforesaid, respectively, lie intermixed and dispersed in small Parcels in and over the said common Fields, and are most of them inconveniently situated with respect to the several Houses in the said Parish of *Churchover*; and, by reason thereof, a sufficient Quantity of Manure and Compost cannot, without great Difficulty and Expence, be conveyed to the same, nor frequent Trespasses and Disputes amongst the several Proprietors be prevented; and so long as the said common Fields and common Grounds lie open, commonable, and uninclosed, they produce very little Profit to their respective Proprietors, and, in their present Situation, are incapable of Improvement:

And whereas *William Dixwell Grimes*, Merchant, Committee of the Estate of the said *Sir William Dixwell* (which said *William Dixwell Grimes* is Nephew and Heir apparent of the said *Sir William Dixwell*), and also the said *William Black, William Sutton, William Norman, William Lole, John Fanshaw, Isaac Crew, Edward Bradgate, Thomas Bilio, John Harpur*, and others, the Owners and Proprietors of Lands and Grounds in the said common and open Fields of *Churchover* aforesaid, are desirous that the said common Fields, common Grounds, and Waste-grounds, may be divided and inclosed; and that specifick Parts and Shares thereof may be assigned to each Proprietor, according to their respective Proportions and Interests therein, in such manner, and subject to such Rules, Directions, and Provisoos, as are herein after inserted, provided, and declared, concerning the same:

But although the said Division and Inclosure will tend greatly to the Advantage of the Proprietors concerned, and be an Improvement of their several and respective Properties in the said Parish and common Fields of *Churchover* aforesaid; **Yet** the same cannot be effectually established, without the Aid and Authority of Parliament;

May it therefore please your most Excellent MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

shall be Commissioners for dividing and inclosing the said common Fields, together^d with all the common Pastures, common Meadows, common Grounds, and Waste-grounds, situate, lying, and being, in the said Parish of *Churchover*, and for putting this Act in Execution.

And, for the more just and regular Division and Distribution of the Land and Grounds so to be divided as aforesaid, and for the better ascertaining the same, **It is hereby further Enacted and Declared**, by the Authority aforesaid, That a Survey shall be made of the said common Fields, common Pastures, common Meadows, common Grounds, and Waste-grounds, so intended to be inclosed as aforesaid, some time before the

or as soon after as conveniently may be, by such Person or Persons as shall be nominated and appointed for that Purpose by the said Commissioners, or their Successors, or any or more of them; and such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, belonging to each Proprietor, shall be therein set forth, ascertained, and declared; and the said Survey shall be laid before the said Commissioners, or their Successors, or any or more of them, at some or One of their Meetings, to be had in pursuance of this Act.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, or their Successors, or any or more of them, shall have full Power and Authority, and they are hereby authorized and required, at any time or Times after the said Survey shall have been made, and laid before them, as aforesaid, but before the

to divide and set out, ascertain and allot, the said common Fields, common Pastures, common Meadows, common Grounds, and Waste-grounds, unto and amongst the several Owners and Proprietors thereof, and Persons intituled, as aforesaid, in proportion to their several and respective Shares and Interests, and Right of Common, and other Properties, in and over the said common Fields, common Pastures, common Meadows, common Grounds, and Waste-grounds, in the Parish of *Churchover* aforesaid, or any Part or Parts thereof; but subject nevertheless to the Rules, Orders, and Directions, herein after contained.

Provided nevertheless, and it is hereby Enacted and Declared, That nothing herein contained shall extend, or be construed to authorize or empower the said Commissioners, or their Successors, or any of them, to give any undue Preference to any of the Parties interested and concerned in the said intended Division and Inclosure, in respect to their Allotments or Shares in the said common Fields; but that the said Commissioners, or their Successors, in making their Allotments, shall have due Regard to the Quality, Situation, and Convenience, as well as Quantity, both of the Lands
and

and Grounds now belonging to each Proprietor, and Persons intituled, and of the Lands and Grounds so to be assigned and allotted in lieu thereof, in pursuance of this Act.

And it is hereby further Enacted, That the said Commissioners, and their Successors, or any or more of them, shall and may, and they are hereby authorized and impowered to assign, allot, and appoint, unto and for the said *John Parker*, and his Successors, Rectors of the Parish and Parish-Church of *Churchover* aforesaid, such Parcel of Land or Ground, in one intire Plot, being Parcel of the said common Fields and common Grounds, so as aforesaid intended to be inclosed, as shall be an Equivalent or Compensation of and for the said Glebe-Land of the said *John Parker*, in proportion to the present Glebe, and the other Allotments to be made to other Persons, Quantity and Quality considered: And also, that the said Commissioners, and their Successors, or any or more of them, shall assign, lay out, allot, and appoint, unto and for the said *John Parker*, and his Successors, Rectors of the said Parish and Parish-Church of *Churchover* aforesaid, over and above, and exclusive of, the Lands and Ground so to be allotted to him in lieu of, and as a Compensation for, the Glebe of the said Rectory, as aforesaid, of Land or Ground, lying within, and being Parcel of, the common Fields and common Grounds, so intended to be inclosed as aforesaid; and which last-mentioned of Land or Ground shall, in the Judgment of the said Commissioners, and their Successors, or any or more of them, be, when and as soon as inclosed, of the full yearly Value of of lawful Money of *Great Britain*.

And it is hereby Enacted and Declared, That the said several of Ground herein before respectively directed and appointed to be assigned, laid out, and allotted, to and for the said *John Parker*, and his Successors, Rectors of the Parish and Parish-Church of *Churchover* aforesaid, shall be in lieu, and full Satisfaction and Compensation, of and for all the Glebe-Lands of and belonging to him, and his Successors, Rectors as aforesaid, which are lying and being in the common Fields of *Churchover* aforesaid; as also in lieu, and full Satisfaction and Compensation, of and for all Tythes of Corn, Grain, Hay, Wool, and all other Tythes whatsoever, due, payable, and belonging, to the said *John Parker*, and his Successors, Rectors as aforesaid, from and out of all and every the common Fields, common Pastures, common Meadows, common Grounds, and Waste-ground, so intended to be inclosed as aforesaid; and also out of all the Houses, Orchards, Gardens, Homesteads, and Closes, within the Parish of *Churchover* aforesaid, except only *Easter Offerings*, Mortuaries, and Surplice Fees.

And it is hereby further Enacted, and Declared, That the said of Ground, so to be allotted and set out for the said *John Parker* and his Successors, Rectors of the Parish and Parish-Church of *Churchover* aforesaid, shall be inclosed round by Ditches and Quick-set Hedges,

Hedges, in such manner as the said Commissioners, or their Successors, or any of them shall award, order, or appoint, by and at the Expence of the several Proprietors and Owners of the Lands and Grounds so intended to be inclosed, in such Manner, Shares, and Proportions, as the said Commissioners and their Successors, or any or more of them, for that Purpose, by Writing under their Hands and Seals, shall award, order, or appoint,

And it is hereby further Enacted, and Declared, That the said Commissioners and their Successors, or any or more of them, shall and may, and they are hereby authorized and required to ascertain, set out, and appoint, both publick and private Roads or Ways through the new Inclosures and Allotments, so to be made as aforesaid, with the Affizes and Breadths thereof, so as all such publick Roads and Ways shall be and remain broad, at the least, between the Ditches (except Foot-Ways, in case any such shall be set out by the said Commissioners) and which said publick Roads and Ways shall, at all times for ever hereafter, be repaired, and kept in Repair, by and at the Expence of all the Inhabitants of and within the said Parish of *Churchover*, in the same manner as the other Roads and Ways within the said Parish were repaired, and kept in Repair, before the passing of this Act, and according to the ancient Custom and Usage of the said Parish; and that it shall not be lawful for any Person, after making such new Roads or Ways, to use any Roads, either publick or private, over the said new Inclosures, on Foot, or with Horses, Cattle, or Carriages, other than such Roads or Ways as shall be so ascertained, set out, and appointed, as aforesaid.

And it is hereby further Declared, and Enacted, That all the Hedges, Ditches, and Fences, to be made for the inclosing, separating, and dividing, of the said Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, pursuant to this Act, shall be made, and at all times hereafter repaired and maintained, by such Person or Persons (except the said *John Parker* and his Successors) in such manner as the said Commissioners and their Successors, or any or more of them, shall, by any Writing or Writings, under their Hands and Seals, in that behalf, award, order, and appoint; and such Award, Order, Direction, and Appointment, by the said Commissioners, or their Successors, or any or more of them, in that behalf, shall be binding and conclusive to the several Parties, so interested and intitled to such Share and Allotment as aforesaid.

Provided nebertheless, and it is hereby further Declared, and Enacted, That in case any Lands or Ground, upon which any Trees, Underwoods, Thorns, Hedges, Bushes, or Shrubs, shall, at the Time of such Allotments, be standing, growing, or being, shall be allotted and assigned to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof at and immediately before such Allotment; then, and in such Case, it shall and may be lawful to and for such Owners and

and Grounds now belonging to each Proprietor, and Persons intituled, and of the Lands and Grounds so to be assigned and allotted in lieu thereof, in pursuance of this Act.

And it is hereby further Enacted, That the said Commissioners, and their Successors, or any or more of them, shall and may, and they are hereby authorized and impowered to assign, allot, and appoint, unto and for the said *John Parker*, and his Successors, Rectors of the Parish and Parish-Church of *Churchover* aforesaid, such Parcel of Land or Ground, in one intire Plot, being Parcel of the said common Fields and common Grounds, so as aforesaid intended to be inclosed, as shall be an Equivalent or Compensation of and for the said Glebe-Land of the said *John Parker*, in proportion to the present Glebe, and the other Allotments to be made to other Persons, Quantity and Quality considered: And also, that the said Commissioners, and their Successors, or any or more of them, shall assign, lay out, allot, and appoint, unto and for the said *John Parker*, and his Successors, Rectors of the said Parish and Parish-Church of *Churchover* aforesaid, over and above, and exclusive of, the Lands and Ground so to be allotted to him in lieu of, and as a Compensation for, the Glebe of the said Rectory, as aforesaid, of Land or Ground, lying within, and being Parcel of, the common Fields and common Grounds, so intended to be inclosed as aforesaid; and which last-mentioned of Land or Ground shall, in the Judgment of the said Commissioners, and their Successors, or any or more of them, be, when and as soon as inclosed, of the full yearly Value of of lawful Money of *Great Britain*.

And it is hereby Enacted and Declared, That the said several of Ground herein before respectively directed and appointed to be assigned, laid out, and allotted, to and for the said *John Parker*, and his Successors, Rectors of the Parish and Parish-Church of *Churchover* aforesaid, shall be in lieu, and full Satisfaction and Compensation, of and for all the Glebe-Lands of and belonging to him, and his Successors, Rectors as aforesaid, which are lying and being in the common Fields of *Churchover* aforesaid; as also in lieu, and full Satisfaction and Compensation, of and for all Tythes of Corn, Grain, Hay, Wool, and all other Tythes whatsoever, due, payable, and belonging, to the said *John Parker*, and his Successors, Rectors as aforesaid, from and out of all and every the common Fields, common Pastures, common Meadows, common Grounds, and Waste-ground, so intended to be inclosed as aforesaid; and also out of all the Houses, Orchards, Gardens, Homesteads, and Closes, within the Parish of *Churchover* aforesaid, except only *Easter Offerings*, Mortuaries, and Surplice Fees.

And it is hereby further Enacted, and Declared, That the said of Ground, so to be allotted and set out for the said *John Parker* and his Successors, Rectors of the Parish and Parish-Church of *Churchover* aforesaid, shall be inclosed round by Ditches and Quick-set Hedges,

Hedges, in such manner as the said Commissioners, or their Successors, or any of them shall award, order, or appoint, by and at the Expence of the several Proprietors and Owners of the Lands and Grounds so intended to be inclosed, in such Manner, Shares, and Proportions, as the said Commissioners and their Successors, or any or more of them, for that Purpose, by Writing under their Hands and Seals, shall award, order, or appoint.

And it is hereby further Enacted, and Declared, That the said Commissioners and their Successors, or any or more of them, shall and may, and they are hereby authorized and required to ascertain, set out, and appoint, both publick and private Roads or Ways through the new Inclosures and Allotments, so to be made as aforesaid, with the Affizes and Breadths thereof, so as all such publick Roads and Ways shall be and remain broad, at the least, between the Ditches (except Foot-Ways, in case any such shall be set out by the said Commissioners) and which said publick Roads and Ways shall, at all times for ever hereafter, be repaired, and kept in Repair, by and at the Expence of all the Inhabitants of and within the said Parish of *Churchover*, in the same manner as the other Roads and Ways within the said Parish were repaired, and kept in Repair, before the passing of this Act, and according to the ancient Custom and Usage of the said Parish; and that it shall not be lawful for any Person, after making such new Roads or Ways, to use any Roads, either publick or private, over the said new Inclosures, on Foot, or with Horses, Cattle, or Carriages, other than such Roads or Ways as shall be so ascertained, set out, and appointed, as aforesaid.

And it is hereby further Declared, and Enacted, That all the Hedges, Ditches, and Fences, to be made for the inclosing, separating, and dividing, of the said Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, pursuant to this Act, shall be made, and at all times hereafter repaired and maintained, by such Person or Persons (except the said *John Parker* and his Successors) in such manner as the said Commissioners and their Successors, or any or more of them, shall, by any Writing or Writings, under their Hands and Seals, in that behalf, award, order, and appoint; and such Award, Order, Direction, and Appointment, by the said Commissioners, or their Successors, or any or more of them, in that behalf, shall be binding and conclusive to the several Parties, so interested and intitled to such Share and Allotment as aforesaid.

Provided nevertheless, and it is hereby further Declared, and Enacted, That in case any Lands or Ground, upon which any Trees, Underwoods, Thorns, Hedges, Bushes, or Shrubs, shall, at the Time of such Allotments, be standing, growing, or being, shall be allotted and assigned to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof at and immediately before such Allotment; then, and in such Case, it shall and may be lawful to and for such Owners and

and Proprietors thereof, respectively, at any seasonable Time or Times, within the Space of Calendar Months after such Allotment shall be made, to enter into the Lands and Grounds, upon which such Trees, Underwoods, Thorns, Hedges, Bushes, and Shrubs, shall be standing and being; and to fell and cut down, and, with Horses and Carriages, to carry away the same, at his and their Wills and Pleasures, to and for his and their own proper Use and Benefit.

Provided nebertheless, That if any such Hedges, now standing upon the Premises, shall be assigned or appointed by the said Commissioners as or for a Boundary or Fence for any of the new Inclosures so intended to be made as aforesaid, all such Hedges shall be left for the Benefit of such Person or Persons, to whom such Inclosures shall belong, by virtue of this Act, he, she, or they, making such Allowance or Consideration to the former Owners and Proprietors of such Hedges, respectively, as the said Commissioners and their Successors, or any or more of them, shall, by Writing, under their Hands and Seals, in that behalf, order and appoint.

And, for preventing Differences and Disputes relating to the said Inclosure and Divisions, **It is hereby further Enacted,** by the Authority aforesaid, That, as soon as conveniently may be, after the said Commissioners shall have compleated and finished the Partitions and Allotments of the said Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, hereby directed to be inclosed and divided as aforesaid, pursuant to the Purport and Directions of this Act, they, or their Successors, or any or more of them, shall form and draw up an Award or Instrument thereof, in Writing, which shall express and contain the Quantity, in Statute-measure, of Acres, Roods, and Perches, contained in the said Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-grounds, so intended to be inclosed as aforesaid; and the Quantity of each and every Part and Parcel thereof assigned and allotted to each of the Proprietors intituled to, and interested in, the same; and a Description of the Situation, Buttals, and Boundaries, of the same Parcels and Allotments, respectively; and proper Orders and Descriptions for fencing and mounding the same, and for making and laying out proper Roads, Ways, and Passages, in and through the same Premises; and shall also express and contain such other Orders, Rules, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, conformable to the Tenor and Purport of this Act; which said Instrument shall be fairly ingrossed and written on Parchment, and signed and sealed by the said Commissioners, or any or more of them, and shall, within Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled, either in his Majesty's High Court of Chancery, or Courts of Kings Bench or Common Pleas, at *Westminster*, or by the Clerk of the Peace for the said County of *Warwick*; to the end Recourse may be had to the same, by any Person or Persons interested in the said intended Inclosure; and a true Copy thereof shall, from time to time, and at all times hereafter, be admitted and allowed, in all Courts

Courts whatsoever, as legal Evidence of the same; and the several Allotments, Partitions, and Divisions, so made by the said Commissioners, or any or more of them, in and by such Award or Instrument, in Writing, so executed and inrolled as aforesaid, shall be, and are hereby declared to be, binding and conclusive, unto and upon all and every the several Parties interested in, and intitled unto, the several and respective Grounds, Lands, and Premises, so intended to be inclosed as aforesaid.

And it is hereby further Enacted, That when the said Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, directed and appointed by this Act to be inclosed, shall be so set out, ascertained, and allotted, by the said Commissioners, or their Successors, or any or more of them, by such Award, Instrument, or Writing, as is herein before mentioned, the Parcels of Lands and Grounds, so to be allotted and set out, respectively, shall, within Calendar Months after the signing and sealing the said Award, Instrument, or Writing, be inclosed, hedged, ditched, and fenced, at the proper Costs and Charges of the respective Persons, to whom the same shall be respectively assigned and allotted, Other than and except the said *John Parker*, and his Successors, Rectors of the Parish and Parish-Church of *Churchover* aforesaid, and in such manner as the said Commissioners, or their Successors, or any or more of them, shall, in such their Award, order and direct.

And it is hereby further Provided, Enacted, and Declared, That convenient Gaps and Openings shall be left in the said Fences and Inclosures, for the Space of Calendar Months next ensuing the Execution of the said Instrument or Writing, for the Passage of Cattle, Carts, and Carriages, in, by, and through, the same; unless the several Parties, interested therein, shall agree, that the same shall be sooner fenced in, made up, and inclosed.

Provided always, That all and every the Proprietors of the new Inclosure, intended to be made pursuant to this Act, shall have full Power and Authority, for the Term of Years, from the Time of their making the said Inclosure, to erect or set up any Gate or Gates a-cross any of the Roads to be made through or against his, her, or their, own Lands, for the keeping out Sheep and Cattle, and to prevent their destroying any Banks, Woods, Plants, Quick-sets, or Fences, which shall be made or planted, for inclosing or fencing any Part or Parcels of the said Common Fields and Pieces of commonable Grounds, in pursuance of this Act.

And it is hereby further Enacted, by the Authority aforesaid, That the several Lands and Grounds to be divided, assigned, set out, allotted, and appointed, unto and for the several Persons, who, by virtue of this Act, shall be intitled to the same, shall be in full Bar of, and in Satisfaction and Compensation for, his, her, and their, several Pieces and Parcels of Ground, which they had before the passing of this Act, or immediately before the
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several Allotments made, and which are and were lying dispersed in the Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, within the said Parish of *Churchover* aforesaid; and also in full of, and in Satisfaction and Compensation for, all Right of Common whatsoever, in, over, and upon, the said Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, respectively; and that from and immediately after the making of the said Divisions and Allotments, and Execution of the said Award or Instrument, of such Tenor and Purport as aforementioned, all Right of Common belonging to, or claimed by, all and every the said Owners, Proprietors, or Occupiers, of Lands, Tenements, or other Hereditaments, within the said Parish of *Churchover* aforesaid, in, over, and upon, all or any the said Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, and every Part thereof, shall cease, determine, and be for ever extinguished.

Provided also, and be it Enacted, That nothing in this Act contained shall extend, or be construed to extend, adjudged, or taken, to revoke, make void, alter, or annul, any Will or Wills, Settlement or Settlements, Lease or Leases, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrances, or other Demand, out of, upon, or affecting, any of the Lands or Grounds so intended to be inclosed and divided as aforesaid, or any Part or Parcel thereof, respectively; but that each and every Proprietor shall stand and be seised of and in the several Lands and Grounds to be assigned and allotted to him, her, or them, as aforesaid, to such and the same Uses, and for such and the same Estates and Interests, and subject to such and the same Wills, Leases, Powers, Provisoes, Limitations, Remainders, Trusts, Charges, Rents, Incumbrances, and Demands, as he, she, or they, respectively, should and would have stood seised of in his, her, or their, several Lands and Grounds lying in the said Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, so intended to be inclosed as aforesaid, in case the same had remained uninclosed, or this Act had not been made; any thing herein contained to the contrary thereof in anywise notwithstanding.

And whereas several of the Owners and Proprietors of Lands and Grounds lying in the Common Fields, Common Pastures, Common Meadows, Common Grounds, and Waste-ground, so intended and directed to be divided and inclosed as aforesaid, his, her, or their, Trustee or Trustees, Guardian or Guardians, may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences incident to, and attending, such Inclosure and Division, and the obtaining and passing this Act, and cannot, by reason of some Settlement or Settlements, already made, of the Grounds, Lands, and Premises, or some Part thereof, or other Impediments or Incumbrances respectively affecting the same, make an effectual Security thereof for the Money so to be to them respectively advanced and lent for that Purpose; **Be it therefore Enacted,**

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by the Authority aforesaid, That it shall and may be lawful to and for any of the Owners and Proprietors, for the Time being (except the said *John Parker*, and his Successors, Rectors, as aforesaid), his, her, or their Trustee or Trustees, Committee, Guardian or Guardians, of Land and Grounds lying in the common Fields, common Pastures, common Meadows, common Grounds, or Waste-ground, so intended to be inclosed, respectively, to charge the Lands and Grounds, which shall be assigned and allotted to them, respectively, by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding for every Acre of the Lands and Grounds so to be allotted to them respectively, to be paid to such Person or Persons, as the said Commissioners, or their Successors, or any or more of them, shall, for that Purpose, respectively nominate and appoint, in order to be applied and disposed of for the Purposes aforesaid; and, for the securing the Repayment of the said Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise, the Lands and Grounds so to be charged, unto such Person or Persons as shall advance and lend the same, respectively, for any Term or Number of Years; so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust, to be surrendered, when such Sum or Sums of Money thereby to be secured, with Interest thereof, shall be fully paid and satisfied.

And it is hereby further Enacted and Declared, That every such Grant, Mortgage, Lease, and Demise, of the said Grounds, Lands, and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual, in the Law, for the Purposes thereby intended, notwithstanding any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance, of, for, or concerning, the same Grounds, Lands, and Premises, or any Part or Parts thereof, then in being, or capable of taking Effect, to the contrary.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, or any or more of them, do and shall, and they are hereby required to give publick Notice in the Parish-Church of *Churchover* aforesaid, upon of the Time and Place of the First Meeting of the said Commissioners, for the Executing of the Powers hereby vested in them, at least before such Meeting; and shall also give the like Notice of of every subsequent Meeting, for putting in Execution the Power vested in them by this Act, at the Parish-Church aforesaid.

And it is hereby further Enacted, by the Authority aforesaid, That when, and as often as, any or more of the Commissioners appointed by this Act, or to be elected in the manner herein after-mentioned, shall die, or refuse to act, the Persons who, for the Time being, shall be interested respectively in the said common Fields, common Pastures, common Meadows, common Grounds, and Waste-ground, so intended to be inclosed as aforesaid, or the greater Part of them in Number and Value, do
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and shall, from time to time, within the Death or Refusal of such Commissioner or Commissioners to act, by Writing under their Hands and Seals, appoint or more Commissioner or Commissioners, not interested in the said intended Inclosure, instead of each and every Commissioner or Commissioners so dying or refusing to act, as aforesaid; and every such Commissioner or Commissioners, so to be appointed, shall have the like Power and Authority, by virtue of this Act, as the Commissioner or Commissioners, in whose place or stead he or they shall succeed, was or were vested with; provided that Notice be given in the Parish-Church of *Churchover* aforesaid, of the Time and Place of choosing such Commissioner or Commissioners, at least before every such Meeting.

And it is hereby further Declared and Enacted, by the Authority aforesaid, That the Charges and Expences of passing this Act, and all the Costs and Charges attending the same, and the Costs and Charges of surveying and admeasuring, dividing and allotting, the common Fields, common Pastures, common Meadows, common Grounds, and Waste-grounds, so intended to be inclosed as aforesaid, and of the preparing and inrolling the said Award or Instrument, and other the Charges and Expences of the said Commissioners, and all other necessary Expences in, about, and concerning, the said Premises, shall be borne and defrayed by all the Proprietors and Owners of Lands in the said common Fields, common Pastures, common Meadows, common Grounds, and Waste-ground, so appointed to be inclosed (Other than and except the said *John Parker*, and his Successors), by an according to the Number and Value of Acres each Person shall have allotted to him, her, or them, by virtue of this Act, to be settled, adjudged, and determined, by the said Commissioners, or their Successors, or any or more of them.

Provided always, and it is hereby further Enacted and Declared, by the Authority aforesaid, That nothing in this Act shall prejudice, lessen, or defeat, the Right, Title, or Interest, of any Lord or Lords of any Manor or Manors, Lordship or Lordships, or reputed Manor or Manors, Lordship or Lordships, within the Jurisdiction or Limits whereof the said open and common Fields hereby directed to be inclosed, or any Part thereof, are lying and being, or of their Heirs, of, in, or to, the Seignior and Royalties incident or belonging to such Manor or Lordship, or reputed Manors or Lordships; but such Lord or Lords, for the Time being, and all and every other Person or Persons claiming under him or them, as Lord or Lords of the said Manor or Lordship, or reputed Manor or Lordship, shall and may, from time to time, and at all times hereafter, hold and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, and all other Royalties and Privileges to the said Manor or Lordship, or reputed Manor or Lordship, or to the Lord or Lords thereof, or to any claiming under him or them, incident, appendant, belonging, or appertaining; other than and except such Common of Pasture, or other Common Rights, as can or may be claimed or belonging to him or them, respectively, as the Lord or Lords of the said Manor,

Manor, respectively, in over, and upon, the Premises directed and appointed to be inclosed, as aforesaid; other than the Common Lands in such Roads or Highways, as shall be lain out and inclosed, or continued by virtue of this Act, in as full, ample, and beneficial manner, to all Intents and Purposes, as they ought or might have held and enjoyed the same, before the passing this Act, or in case the same had never been made.

Saving to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, All such Estate, Right, Title, and Interest (Other than those meant or intended to be barred or destroyed by this Act), which they, every or any of them, had and enjoyed, of, in, to, or out of, the said common Pastures, common Meadows, common Grounds, and Waste-grounds, so intended and appointed to be inclosed as aforesaid, before the passing this Act, or could or might have had or enjoyed in case the same had not been made.

